

For:

Planning Commission Review and Recommendation: 6/28/21
Introduction: 2/7/22
Re-introduction: 3/7/22
Public Hearing: 4/4/22
Adoption: N/A
Effective: N/A (21st day after approval by Mayor or passage by Council over veto)

***MOTION TO APPROVE ORDINANCE WAS NOT SECONDED
AND PROPOSED ORDINANCE DID NOT PASS AT
TOWN COUNCIL MEETING ON 4/4/22***

***FOR DISCUSSION AT PLANNING COMMISSION MEETING
ON 5/23/22***

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. ~~2022~~-4

**AN ORDINANCE TO AMEND THE CODE
OF THE TOWN OF MOUNT AIRY,
PART II ENTITLED “GENERAL LEGISLATION”,
CHAPTER 112 ENTITLED “ZONING”, ARTICLE V
ENTITLED “PROVISIONS GOVERNING COMMERCIAL DISTRICTS”,
SECTION 112-39 ENTITLED “CC COMMUNITY COMMERCIAL DISTRICT”,
SUBSECTION A ENTITLED “PURPOSE” TO ADD A BUFFER
REQUIREMENT TO THE ASSIGNMENT OF CC DISTRICT ZONING**

WHEREAS, the Town’s Zoning Chapter does not currently expressly impose a requirement that Community Commercial District zoning be assigned to property within the Town only where adjacent to a more intensive zone; and

WHEREAS, the Town’s Zoning Chapter does impose that requirement on other commercial districts such as the Limited Commercial Zone pursuant to Section 112-37A(2) and the Neighborhood Professional (NP) Zone pursuant to Section 112-38A(3); and

WHEREAS, it is inconsistent to apply a buffer requirement to a less intensive zone as compared to the CC Zone, and yet not apply the same requirement to a more intensive commercial zone such as the CC Zone; and

WHEREAS, as of the date of this ordinance, the Town has begun the process of formulating the next Comprehensive Plan, making this ordinance appropriate and timely to adopt; and

WHEREAS, this ordinance originated and was initially drafted by the Town Planning Commission, which voted to recommend adoption of these changes to the Zoning Chapter of the Town Code by the Town Council on June 28, 2021 at its regular meeting, thus satisfying a *Mt. Airy Ordinance ~~2022~~-4 to Add Buffer Requirement for CC Zoning – For for discussion at 5/23/22 PC meeting – ordinance did not pass*

condition to enactment pursuant to Md. Land Use Code Ann., Section 4-204(b) and the Town Code, Section 112-67; and

WHEREAS, pursuant to Md. Land Use Code Ann., Section 4-203(b) and the Town Code, Section 112-66A, after due publication of notice, the Town Council held a public hearing on this ordinance on April 4, 2022; and

WHEREAS; the Town Council has determined it to be in the best interest of the Town and its residents for the Town Council to exercise its zoning authority and law making powers for the purpose of imposing a buffer requirement on all future applications of CC Zoning on the properties in the Town, though without waiving the Town's right to rezone some or all of such properties, or neighboring properties, as a part of a future comprehensive rezoning consistent with any future Comprehensive Plan adopted by the Town .

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

Section 1. That Part II, Chapter 112, Article V, Section 112-39, Subsection A of the Code of the Town of Mount Airy be and is hereby repealed and reenacted with the following amendments:

§ 112-39. CC Community Commercial District

A. Purpose. ~~The CC District is intended to provide areas for shopping, service, office, and entertainment establishments to service the needs of the entire community and the surrounding area. The uses permitted in this District should be of such character as to provide for comparative shopping needs, service and repair needs, specialized commercial activities and those establishments which cater primarily to the motoring public. The location of such areas should be such that stores and commercial activities can be grouped together in an attractive and convenient manner at locations that will not infringe on residential areas. It is also essential that areas for this District have excellent vehicular accessibility on major thoroughfares that service the community and surrounding area.~~

(1) The CC District is intended to provide areas for shopping, service, office, and entertainment establishments to service the needs of the entire community and the surrounding area. The uses permitted in this District should be of such character as to provide for comparative shopping needs, service and repair needs and specialized commercial activities. The location of such areas should be such that stores and commercial activities can be grouped together in an attractive and convenient manner at locations that will not infringe on residential areas. It is also essential that areas for this District have excellent vehicular accessibility on major thoroughfares that service the community and surrounding area.

(2) The CC District shall only be assigned where adjacent to the LC district, the CC district or any other more intensive zone.

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Section 2. This ordinance shall apply prospectively to properties that as of the effective date below have not yet been assigned Community Commercial (CC) District zoning, though without waiving the Town's right to rezone some or all of such properties, or neighboring properties, as a part of a future comprehensive rezoning consistent with any future Comprehensive Plan adopted by the Town.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect on the 25th day of April, 2022 (21st day after approval by Mayor or passage by Council over veto).

Introduced this 7th day of February, 2022.

Re-introduced the 7th day of March, 2022.

Enacted this ____ day of _____, 2022 by a vote of _____ in favor and _____ opposed.

Motion to adopt ordinance did not receive a second and did not pass.

ATTEST:

Pamela Reed, Secretary

Jason Poirier, President of the Town Council

Approved this ____ day of _____, 2022.

ATTEST:

Pamela Reed, Secretary

Larry Hushour, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This ____ day of _____, 2022.

Thomas V. McCarron, Town Attorney

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